IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

John D. West, on Behalf of Himself and All Other Persons Similarly Situated,

Plaintiffs.

Case No. C-1-02-0001

v.

AK Steel Corporation Retirement Accumulation Pension Plan, et al.,

Defendants

District Judge Sandra S. Beckwith Magistrate Judge Timothy S. Black

PROPOSED AGREED ORDER PERMITTING DEPOSIT

This matter comes before the Court upon the further advice and information provided to the Court by the parties' counsel consequent to their continued consultation on matters pertinent to the items addressed below, and as a result of information provided to the parties incident to their communications with the Court-appointed Fund Administrator, The Garden City Group, Inc., as previously ordered by the Court.

The Court is informed that the Fund Administrator, pursuant to the Court's previous Order, has established the interest-bearing depository account which the Court had ordered the Fund Administrator to establish to receive Defendants' deposit/payment. Accordingly, the Court's Order entered March 25, 2009, which had directed Defendants to pay into the Court the sum of \$51,459,920.10 pursuant to Fed. R. Civ. P. 67(a) on or before April 1, 2009 (Doc. 164), is hereby amended to the extent that Defendants are now

ordered to deposit the sum of \$51,459,920.10 on or before April 1, 2009, into account number 1501112077, named the "West v. AK Steel Pension Class Action Fund," at Signature Bank, 1225 Franklin Avenue, Garden City, NY 11530 (ABA No. 026013576). Said bank shall hold and not disburse any portion of the deposit, or any interest paid thereon, pending further Orders of this Court upon the Fund Administrator as the account holder. Upon Defendants' making of the aforementioned deposit, Defendants' liability in this action, but for any amounts that the Court may award on a motion for costs and for prevailing-party attorneys' fees and expenses under ERISA § 502(g), 29 U.S.C. § 1132(g), and/or Fed. R. Civ. P. 54(d), will be fully satisfied, and Defendants, upon the making of such deposit, shall be fully discharged and finally dismissed therefrom.

The Court's previous Orders referencing Fed. R. Civ. P. 67 are hereby amended to comport with the foregoing amendments and, inasmuch as Defendants' deposit will be made directly to the Fund Administrator's Court-ordered account and will not be deposited with the Clerk or with the Registry of the Court, no registry-fund fees are chargeable against the fund under S.D. Ohio Loc. R. 77.2(b)(3).

The parties are directed to cooperate with the Court-appointed Fund Administrator, The Garden City Group, Inc., and to provide the Fund Administrator the information and data which the Fund Administrator may reasonably request of the parties, including personal information of the Class Members such as that discussed at S.D. Ohio Loc. R. 26.2(a). Toward that end, Class Counsel are permitted, and hereby are directed, to provide to the Fund Administrator the names and current mailing addresses of the Class Members which Class Counsel have in their records and files, and Defendants

are permitted, and hereby are directed, to provide to the Fund Administrator the Social

Security numbers of the Class Members which Defendants have in their records and files.

Class Counsel and Defendants shall take all reasonably necessary steps to preserve, in the

transmittal of Class Members' personal information to the Fund Administrator, the

confidentiality of such information. The Fund Administrator will hold all such

information in the strictest confidence, and shall use such information solely for the

purposes of administering the instant action's fund as previously ordered by this Court

and as may be further ordered by this Court.

Class Counsel is hereby instructed to report to the Court regarding the status of the

aforementioned tasks within thirty days of Defendants' deposit.

IT IS SO ORDERED.

DATED: 3/30/09

Sandra S. Beckwith, Judge United States District Court